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August 25, 2022

BY ECF

Honorable Ona T. Wang
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED.

Re: Gabino Genao v. City of New York, et al., 20-CV-10573 (VSB) (OTW)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendants City of New York, Captains Dillard, Alleyne, Duncan Chandler, Assistant Deputy Warden Harris, Officers Masone, Everson, Collymore, and Mr. Morelli in the above-referenced matter. Defendants write to respectfully request a brief, two day extension, to file their motion for summary judgment, and a concomitant two day enlargement for the remainder of the deadlines in the motion schedule. Defendants were unable to obtain plaintiff's position on this request due to his incarcerated status.

By way of background, *pro se* plaintiff alleges, *inter alia*, that on or about October 22, 2020, defendant officers were deliberately indifferent to the conditions of his cell, and that they failed to protect him by placing him in a cell next to a rival gang member. See Docket Entry No. 2. Discovery concluded on June 29, 2022. See Docket Entry No. 103. On July 27, 2022, the Court adopted the following discovery schedule for defendants' anticipated summary judgment motion: Defendants' motion due by August 29, 2022, Plaintiff's opposition due by September 30, 2022, and Defendants' reply due by October 21, 2022. See Docket Entry No. 121.

Although the defendants have been working diligently on this matter, defendants respectfully request a brief, two day extension of time to finalize their motion before filing.

Therefore, defendants respectfully request a brief, two day extension, to file their motion for summary judgment, and a concomitant two day enlargement for the remainder of the motion schedule. The new proposed schedule is as follows:

- Defendants' motion due by August 31, 2022;
- Plaintiff's opposition due by October 4, 2022;
- Defendants' reply due by October 25, 2022.

Thank you for your consideration herein.

Respectfully submitted,

/s/
Caroline McGuire
Assistant Corporation Counsel
Special Federal Litigation

cc: Gabino Genao (By First Class Mail)
Plaintiff Pro Se
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Application **GRANTED**. The Clerk of Court is respectfully directed to close ECF 122 and to serve a copy of this Order on the *pro se* Plaintiff.

SO ORDERED.



Ona T. Wang
U.S.M.J.

8/26/22